

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
(LUFKIN DIVISION)

In re:)
)
TEXAS PELLETS, INC.¹) **JOINTLY ADMINISTERED**
) under Case No. 16-90126
)
Debtors.) Chapter 11
)

GERMAN PELLETS TEXAS, LLC)
)
)
Plaintiff,)
)
vs.) **Adversary Proceeding No. 18-09014**
)
NORTH AMERICAN BIOMASS, LLC,)
)
)
Defendant.)

AFFIDAVIT OF CHIP CUMMINS

STATE OF NEW JERSEY §
COUNTY OF BERGEN §

BEFORE ME, the undersigned authority, personally appeared Chip Cummins, who on
his oath deposed and stated:

¹ The jointly-administered Chapter 11 Debtors, along with the last four digits of each such Debtor's federal tax identification number, are Texas Pellets, Inc. (3478) and German Pellets Texas, LLC (9084). The corporate headquarters and service address for the jointly-administered is: 164 CR 1040, Woodville, TX 75979.

EXHIBIT A

1.

I am the Chief Restructuring Officer of German Pellets Texas, LLC and Texas Pellets, Inc., Debtors in the above-captioned main bankruptcy cases (the “Bankruptcy Cases”). German Pellets Texas, LLC is the Plaintiff in the above-captioned adversary case. I was appointed Chief Restructuring Officer by the Court and my powers and duties are generally set forth in the Order entered by the Bankruptcy Court on January 10, 2018 [Docket # 700].

2.

In my capacity as Chief Restructuring Officer, I am generally familiar with the records of the Debtors. The matters set forth herein are established by the company records of the Debtors.

3.

North American Biomass, LLC (“Defendant”) is the Defendant in this adversary proceeding, which seeks recovery of a preferential transfer in the principal amount of \$125,119.40, pursuant to Section 547(b) of the Bankruptcy Code.

4.

The business records of the Debtors indicate that Defendant received the sum of \$125,119.40 (the “Transfer”) as a single payment of \$125,119.40 from a GPTX account at Citizens State Bank on April 15, 2016, which is within the 90 days preceding the filing of the main bankruptcy case on April 30, 2016 (the “Petition Date”). This bank account held funds that constituted property of GPTX. Attached as Attachment “1” hereto is a copy of the documentation evidencing the Transfer.

EXHIBIT A

5.

The Transfer was made to or for the benefit of Defendant, and Defendant received the Transfer as payment on an antecedent debt. At the time the Transfer was made, Defendant was a creditor of GPTX and had a right to payment from GPTX for goods previously delivered to GPTX. The Transfer was made to satisfy amounts owed to Defendant for Defendant's previous delivery of goods to GPTX, under an invoice dated November 25, 2015 from Defendant to GPTX. GPTX's records indicate that the Transfer was the remaining balance due under this invoice.

6.

The Debtors' books and records indicate that GPTX was insolvent during the 90 days prior to April 30, 2016.

7.

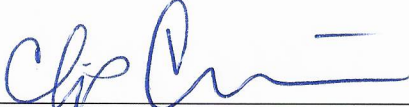
Review of the Debtors' books and records (including without limitation the Schedules filed in the Bankruptcy Cases and the proofs of claim received to date) indicates that, in the event that the Debtors' assets (at the time of the Petition Date) were liquidated under Chapter 7 of the Bankruptcy Code, unsecured creditors would receive no distribution.


8.

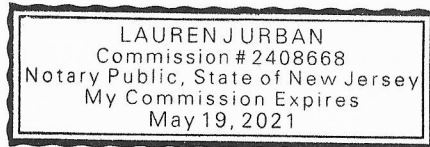
The Default judgment sought by GPTX includes judgment in the amount of \$125,119.40, together with (a) pre-judgment interest at the federal judgment rate of 2.25% accruing from April 30, 2018 (the date of filing) through the date of this Judgment; (b) post-judgment interest at the federal judgment rate pursuant to 28 U.S.C. § 1961 from entry of this judgment until paid in full; and (c) filing fees in the amount of \$350.00.

EXHIBIT A

Sworn to and subscribed before me,
the undersigned notary,
on this the 9th day of January, 2019.


CHIP CUMMINS


Notary Public



STATEMENT OF ACCOUNT



P.O. Box 109
Woodville, TX 75979
(877) 343-7348 Toll Free

EINGEGANGEN
11. MAI 2016

Page: 1 of 7
ACCOUNT : DDA - REDACTED 4079

PERIODIC STATEMENT
Date: Apr 30, 2016
Period: Apr 01, 2016 to Apr 30, 2016
(30 Days)

Should your Visa debit card become lost or stolen
please call 1-800-523-4175 so that we may deactivate your card.

**Commercial Analysis****ACCOUNT : DDA - REDACTED 4079****Account Summary**

Beginning Balance

as of 04/01/16

REDACTED

Deposits & Other Credits

Charges & Fees

Checks & Other Debits

Average Balance

Ending Balance

as of 04/30/16

Charges and Fees Related to Overdrafts and Returned Items

	Total For This Period	Total Year-to-Date
Total Overdraft Fees:	0.00	0.00
Total Returned Items Fees:	0.00	70.00

Transaction Information**Date Number Transaction Description Credit Amount Debit Amount**

04/01

04/04

04/04

04/04

04/04

04/05

04/05

REDACTED



P.O. Box 109
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Transaction Information

Date	Number	Transaction Description	Credit Amount	Debit Amount
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04/05

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REDACTED



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ACCOUNT : DDA - REDACTED 4079

Date	Number	Transaction Description	Credit Amount	Debit Amount
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REDACTED

125,119.40

REDACTED

04/15
04/15
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04/15

STATEMENT OF ACCOUNT



P.O. Box 109
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ACCOUNT : DDA - REDACTED 4079

Transaction Information

Date	Number	Transaction Description	Credit Amount	Debit Amount
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04/15

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REDACTED



STATEMENT OF ACCOUNT



P.O. Box 109
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ACCOUNT : DDA - REDACTED4079

Transaction Information

<u>Date</u>	<u>Number</u>	<u>Transaction Description</u>	<u>Credit Amount</u>	<u>Debit Amount</u>
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REDACTED

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04/04

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04/08

04/13

04/14

04/14
04/15

04/19



STATEMENT OF ACCOUNT

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ACCOUNT : DDA - REDACTED4079



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Transaction Information

<u>Date</u>	<u>Number</u>	<u>Transaction Description</u>	<u>Credit Amount</u>	<u>Debit Amount</u>
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04/21

REDACTED

04/25

Checks Cleared

<u>Date</u>	<u>Number</u>	<u>Amount</u>	<u>Date</u>	<u>Number</u>	<u>Amount</u>
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REDACTED

* = Break in the check number order.

^ = Indicates an electronic check.

Daily Balance Information

<u>Date</u>	<u>Balance</u>	<u>Date</u>	<u>Balance</u>	<u>Date</u>	<u>Balance</u>
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REDACTED